

SHANGHAI MUNICIPAL POLICE
C & S. B. REGISTRY.

No. D 3545.

Date April 27, 1932.

April 27 32,

Sir,

I have the honour to acknowledge the receipt of your letter No. 4252 of April 18, 1932, on the subject of the cancellation of all warrants for political offenders.

I have the honour to be,

Sir,

Your obedient servant,



Assistant Commissioner (Special Branch)
for Commissioner of Police.

President,

Shanghai Special District Court.

呈信者前批

貴院第四三三號公函為行政院函悉凡前因
政局固係曾被通緝之人員一律取緝通緝出
席故特查照著函准此相應函覆即候
查照為荷此致

上海第一特區地方法院長周

警務部特務處處長鄧之司

四月廿日

Special Branch,

April 26, 1932.

Commissioner of Police.

Sir,

I attach herewith a communication from the President of the Special District Court and comment thereon by the M.A. and ask for the favour of your instructions as to the form the reply should take. As the letter of the Shanghai Special District Court is for information and not for action, I suggest that the reply should be as follows :-

"I have the honour to acknowledge the receipt of your letter No. 4252 of April 18 on the subject of the cancellation of all warrants for political offenders."

Yrs
J. F. Guiney
27/4:

J. F. Guiney

Officer i/c Sp. Br.



Shanghai Municipal Council

SHANGHAI MUNICIPAL POLICE

C. & S. B. REGISTRY

No. D 3543.

Date 23. 4. 32.

Office of the Municipal Mayorate

Shanghai, April 23, 1932.

Officer i/c Special Branch,

In re Validity of Order of Executive Yuan Granting Amnesty

Article 6 of the new Organic Act provides that the National Government, among other things, has the power to grant general amnesties. The attached despatch addressed to the Executive Yuan is not signed by the Nationalist Government, but only by the Minister of the Ministry of Judicial Administration, the Minister for Interior Affairs and the Minister of the Ministry of War. Article 24, subsection c, of the same Organic Act gives the Administrative Yuan power to propose general amnesties to the Legislative Yuan. Article 27 of the same Organic Act gives the Legislative Yuan power to enact laws providing for general amnesties, et cetera.

It appears, therefore, that the order issued by the Executive Yuan is invalid, not having been enacted in accordance with the proper procedure. All circular orders for the arrest of persons issued by the Court must be cancelled by the Court, and we cannot take

any notice of executive orders. This matter is just another example of executive interference with the Courts in the Settlement. The interference in this particular instance is purely technical, as it does not in any way interfere with the rights and prerogatives of the Council. The Chinese, however, should go through the proper procedure in enacting laws and general amnesties, as laid down by their own Organic Act. It is suggested that you reply to the President of the District Court as above.

R. J. Bryan, Jr.
Municipal Advocate

RTB/J

Memorandum.POLICE FORCE,
MUNICIPAL COUNCIL,

TO.....

M. A.

Shanghai, April 22, 1932

For your information
and favour of
return.



O. I/c Sp. Br.

Memorandum.

POLICE FORCE,

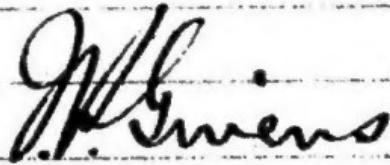
MUNICIPAL COUNCIL,

Shanghai,

April 22, 1932

To. M. A.

For your information
and favour of
return.



O. i/c Sp. Br.

(CRIME BRANCH)
Memorandum.

POLICE FORCE.
MUNICIPAL COUNCIL.

To

Syndicate
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M.T. Tis

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SHANGHAI MUNICIPAL POLICE.
COMMISSIONER'S OFFICE.

No. D 3543.
Date 21. 4. 32.

Translation of Letter from Shanghai No. 1 Special District Court.

No. 4882

April 18, 1932.

S.M.P. Headquarters,
Shanghai.

Sirs,

I am in receipt of a letter No. 423 from the
Kiangsu Provincial Government to the following effect:-

"A telegram has been received from President Wang
Ching Wei of the Executive Yuan which states as follows :-

'A resolution was passed in the 17th meeting of
this Yuan to the effect that circular orders
of arrest for persons wanted for political
offence be withdrawn forthwith.'

'In view of the said resolution, a request was
made for a more definite explanation as to the
exact category of political offenders in order
to enable the instructions to be carried out.'

'In compliance with your request, a copy of report
made by the Ministry of Judicial & Administration
on the subject is enclosed herewith for your
information and guidance.'

Apart from instructions and copies of report
being circulated, a copy of which is enclosed herewith
for your information and guidance."

I enclose herewith a copy of the report for
your information.

Tsou Sien Choh

President.

To the Executive Yuan,

We beg to report that on instructions given by the National Government as per letter of January 22, from the Secretariat of your Honourable Yuan regarding proposals made by Mrs. Lião Tsong Kai (Ho Shang Ning), Messrs. Chow Yeo and Tang Haung on the subject of issuing a general amnesty for political offenders so as to concentrate the whole strength of our nation to cope with the Japanese aggression. In the first case it was discussed at the First Plenary Session of the 4th National Kuomingtang Conference and resolved that the case be dealt with by the National Government and the other two cases were discussed at the 5th meeting of your Honourable Yuan and resolved that they be dealt with jointly by the Ministries of Judicial and Administration, of War and for Interior Affairs. A Board as composed of hereinbefore assembled on January 27 when the following resolutions were passed :-

1. That the Communists shall be excluded from the list of political offenders.
2. That the National Government to issue a circular order for the withdrawal of all political warrants.
3. That the Ministries of War and Judicial & Administration to issue orders to their respective superordinates ordering them to forward detailed reports on prisoners at present under remand on charges of political offence, and then reports will be submitted to Your Honourable Yuan for final approval.

(sd) Lo Ven Kan
Minister of Ministry of
Judicial & Administration.

Lee Ven Fan
Minister for Interior Affairs

Ho Ying Ching
Minister of Ministry of War.